

Message Text

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11

ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 DODE-00 NRC-05 NSAE-00 USIA-06

TRSE-00 ERDA-05 CIAE-00 COME-00 /036 W

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R 141520Z APR 76

FM AMCONSUL STUTTGART

TO SECSTATE WASHDC 2872

INFO AMEMBASSY BONN

USMISSION USBERLIN

AMCONSUL BREMEN

AMCONSUL DUSSELDORF

AMCONSUL FRANKFURT

AMCONSUL HAMBURG

AMCONSUL MUNICH

AMEMBASSY PARIS

LIMITED OFFICIAL USE STUTTGART 490

PARIS FOR COCOM

E. O. 11652: N/A

TAGS: ESTC GW

SUBJ: EXCON - LORENZ CASE

REF: STATE 88803 (NOTAL)

SUMMARY: ACCORDING TO LOCAL SOURCE, AMENDMENT OF GERMAN FOREIGN TRADE LAW EFFECTIVE APRIL 2, 1976 REDUCES LIKELIHOOD THAT DETERRENT SENTENCE WILL BE IMPOSED IN LORENZ CASE. END SUMMARY.

1. CONGEN PROVIDED SUBSTANCE OF REFTEL TO CIU STUTTGART APRIL 14. CIU SAID WOULD APPROACH ONE OR MORE OF BONN OFFICIALS CITED REFTEL IN ATTEMPT TO OBTAIN FRG GOVERNMENT ASSESSMENT OF STATUS WESTERN VIS-A-VIS USSR COMPUTER TECHNOLOGY.

2. CIU REPORTED NEW DEVELOPMENT THAT THREATENS TO REDUCE LIMITED OFFICIAL USE

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DETERRENT EFFECT WITHIN FRG OF COCOM CONTROLS OVER COMPUTER

EXPORTS TO USSR AND OTHER COMMUNIST COUNTRIES. SAID THAT PARAGRAPH 34 OF AMENDMENT TO GERMAN FOREIGN TRADE LAW INCREASES POSSIBILITY THAT LORENZ MAY RECEIVE FINE AND NOT PRISON SENTENCE IF FOUND GUILTY OF CONTRAVENING EXPORT REGULATIONS.

3. PARAGRAPH 34 AS AMENDED (BUNDESGESETZBLATT NO. 36, APRIL 2, 1976) PROVIDES IMPRISONMENT UP TO THREE YEARS OR A FINE IF FOUND GUILTY OF VIOLATION OF THE SECURITY OF THE FRG, DISTURBANCE OF THE PEACE, OR DISTURBANCE OF THE FOREIGN RELATIONS OF THE FRG.

4. CIU SAID THAT HIS OFFICE ON APRIL 13 QUERIED FEDERAL OFFICE FOR THE PROTECTION OF THE CONSTITUTION (BUNDESVERFASSUNGSSCHUTZ) TO ESTABLISH WHICH MINISTRY OR MINISTRIES ARE RESPONSIBLE FOR ASSISTING THE COURT IN REACHING A DECISION UNDER THIS AMENDMENT. THE DEFENSE MEANWHILE ASSERTS THAT LORENZ IS NOT GUILTY AND THAT THIS AMENDMENT THEREFORE DOES NOT APPLY TO HIM.

5. CIU ALSO STATED THAT LARENZ CASE IS FIRST TO BE TRIED UNDER THIS MORE LIBERAL LEGISLATION, AND THEREFORE LIKELY TO SET PRECEDENT WHICH WILL AFFECT PROSECUTION OF OTHER VIOLATIONS OF FRG EXPORT CONTROLS (E.G. GERMAN ESPIONAGE RING -- SEE 75 STUTTGART A-21). FEARS THAT LORENZ NOW MORE LIKELY TO GET OFF WITH FINE WHICH HE COULD NOT EASILY PAY (BUT WHICH HIS PRESUMED SOVIET SPONSORS COULD).HCIU ANTICIPATES A FINAL DECISION ABOUT MID-MAY.O
6. COPY OF AMENDED LAW BEING MAILED SEPARATELY TO COMMERCE (EXCON). CARLSON

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Message Attributes

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Concepts: STRATEGIC TRADE CONTROLS, COMPUTERS, TRIALS
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Disposition Case Number: n/a
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Disposition Date: 28 MAY 2004
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